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## IMPORTANT NOTICE TELECOPY/FACSIMILE COVER LETTER

TO: Examiner Michael C. Heck  
U.S. Patent and Trademark Office

DATE: June 9, 2003

FROM: David D. Nelson, Esq.

TIME: \_\_\_\_\_

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### MESSAGE:

In re. Application of: Michael P. MILLER  
Application No. 10/005,759 Examiner: Michael C. HECK  
Filing Date: 12/07/2001 Group Art Unit: 3623

### **PROPOSED / DRAFT**

**Informal/Draft Communication Attached**

#### **FOR INTERNAL PURPOSES ONLY**

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Informal/ Draft Communications

In re Application of Miller et al., U.S. Application No. 10/005,759

Dear Examiner Heck,

Thank you for taking my call earlier today. My client believes that, at a minimum, the particular combination and ordering of interrelated steps in the application provide for a patentable invention. In an attempt to capture the exact, particular combination of steps described in the specification without being overly verbose, I would am thinking of two possible claim formats. One uses a step+function claim to invoke §112, p. 6, thereby defining the invention through the specification. For instance,

1. A process for accelerating improvement to a product, the method comprising:

a) a step for managing an organization developing said product, said step for managing an organization comprises a step for managing personnel of said organization and a step for implementing a product improvement process;

b) a step for managing a project for development of said product;  
and

c) a step for managing delivery of said product,

whereby the step for managing the organization, the step for managing project development; and the step for managing delivery occur concurrently, whereby the step for managing the organization effects the step for managing project development and the step for managing delivery, and whereby the step for managing project development and the step for managing delivery effect the step for managing the organization.

Informal/ Draft Communications

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Alternatively, I would like to propose a method claim that requires the sequential performance of the elements in the steps. For instance:

1B. A process for accelerating improvement to a product, the method comprising the steps of:

a) managing an organization developing said product, said step for managing an organization comprises steps of managing personnel of said organization and implementing a product improvement process performed in parallel,

the managing the personnel of the said organization comprising sequentially performed steps of designing a performance measurement infrastructure, executing organization design and development, and designing and deploying training,

the implementing a product improvement process comprising the parallel steps of (i) planning and organizing a Software Engineering Process Group (SEPG) and (ii) managing and improving the organization's processes, the managing and improving the organization's processes comprising the sequentially performed steps of controlling SEPG project work, rolling out and supporting SEPG projects, completing the SEPG project, and controlling process improvement;

b) managing a project for development of said product, wherein said project managing includes the sequentially performed steps of planning of execution of the project, organizing project resources, control project work; completion of the project; and

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**In re Application of Miller et al., U.S. Application No. 10/005,759**

c) managing delivery of said product, the managing of product delivery comprising the sequential steps of product analysis, product design, product building and testing, and product deployment.

whereby the step for managing the organization, the step for managing development; and the step for managing delivery occur concurrently

2. The method of claim 1B further comprising managing a program for implementing said steps of managing the organization, said managing development of said product; and managing delivery of said product, wherein said managing a program for implementing comprises the sequentially performed steps justifying the program; planning execution of the program; organizing program resources; controlling program work; and completing the program.